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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Bilt-Rite Contractors, Inc.--Reconsideration

File: B-243588.2

Date: May 15, 1991

Steven H. Lupin, Esq., Hamburg, Rubin, Mullin & Maxwell, for the protester.

Catherine M. Evans and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration of decision dismissing protest as untimely filed is denied; protester was on constructive notice of General Accounting Office filing requirements because they are published in the Federal Register.

DECISION


Bilt-Rite Contractors, Inc. requests reconsideration of our April 9, 1991, decision dismissing as untimely its protest of the rejection of its low bid under an invitation for bids issued by the Department of Housing and Urban Development for construction of the Corinthian Square Senior Citizens Housing Project in Philadelphia. Bilt-Rite stated that it was informed on March 21, 1991, that its bid had been rejected. We dismissed the protest because it was not filed until April 9, more than 10 working days after Bilt-Rite learned of the basis for its protest.

We deny the request for reconsideration.

As noted in our decision, our Bid Protest Regulations provide that protests not based upon alleged improprieties in a solicitation must be filed not later than 10 days after the basis for protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1991). Bilt-Rite contends that the agency did not inform it of our filing requirement. However, Bilt-Rite's lack of actual knowledge of our rules regarding timeliness is irrelevant; protesters are deemed as a matter of law to have constructive notice of our Regulations because they are published in the Federal Register and the Code of Federal Regulations. Oxford Place Office Park, B-234867, June 20, 1989, 89-1 CPD ¶ 579.

We also reject Bilt-Rite's further argument that it did not and still does not know the basis for its protest because it was never informed why its bid was rejected. Bilt-Rite filed its protest on the basis that its low bid was rejected, a fact of which it was informed on March 21. Bilt-Rite could have filed its protest on this basis by April 4--10 working days later--but did not do so until April 9.

The request for reconsideration is denied.


Ronald Berger
Associate General Counsel